

CLARKE COUNTY BOARD OF SUPERVISORS

March 16, 2004Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, March 16, 2004.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Jeff Lineberry, Bob Childress, Ricky Pope, Gem Bingol, Ed Breslauer, David Ash, Tom Judge, Charles Johnston, Alison Teetor, Pam Lettie, Val Van Meter and other citizens.

Call To Order

Chairman Staelin called the meeting to order at 9:07 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda

Add to Miscellaneous: Resolution from CFFW Regional Jail Board
Add to VDOT: Discussion on Truck Restrictions
Remove: Septic Ordinance Text Amendment - TA-03-13– Continued Discussion; Add to April 20, 2004 Board of Supervisors Agenda.

Vice Chairman Hobert moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes

Budget Work Session: February 10, 2004

The minutes were reviewed with no changes were noted.

Regular Meeting: February 17, 2004

Change on page 900 from "undefined area" to "an area that requires additional research."
Changes on page 901 change "to but" to "to bring"; change "serviced" to "served";
Change on page 914 change "subject to" to "subsequent to"

Budget Work Session: February 24, 2004

The minutes were reviewed with no changes were noted.

Work Session: February 25, 2004

The minutes were reviewed with no changes were noted.

Budget Work Session: February 26, 2004

The minutes were reviewed with no changes were noted.

Supervisor Byrd moved to approve the minutes for February 10, 24, 25, and 26, 2004 as written and February 17, 2004, as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Consent Agenda

Resolution of Appreciation – Charles Burwell

David Ash, County Administrator, reviewed the proposed resolution from the Clarke County Library Advisory Council recognizing Charles L. Burwell's years of service and contribution to the County.

Vice Chairman Hobert moved adopt the resolution of appreciation for Charles Burwell. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Resolution of Appreciation of Charles L. Burwell

Whereas the Clarke County Library has benefited for many years from the tireless efforts and countless hours donated by members of the community to create a branch library for Clarke County; and

Whereas, a primary volunteer and force for the achievement of this important community goal has been Charles L. Burwell, whose unique contributions began in 1982 when, as Chairman of the Library Advisory Council, he began leading a veritable parade of supportive citizens to the Board of Supervisors and other interested community groups to obtain the necessary financial support and commitment to transform the circa 1920 Lloyd, home in downtown Berryville into a part of the Handley Library system; and

Whereas, Charles L. Burwell worked to coordinate the work of many volunteers and community leaders to prepare appropriate facilities, assemble a permanent collection to serve young and old, and recruit volunteers to staff a quality library to support the educational and cultural development of the residents of Clarke County; and

Whereas, Charles L. Burwell has affected generations of Clarke County citizens by the work he has done to promote reading and a local library which is connected with a state- wide system of libraries; and

Whereas, Charles L. Burwell is greatly admired by colleagues serving with him on the Library Advisory Council, the Boards of Supervisors and Handley Regional Library which he has counseled and served for more than two decades, and the community at large;

NOW THEREFORE, BE IT RESOLVED, by the Clarke County Board of Supervisors and the Library Advisory Council of Clarke County that Charles L. Burwell be honored and congratulated for his many works that have had such a positive influence on his County, and that this testimony to the challenging and important work he has done for his Clarke County, be spread upon the official records of the Clarke County Board of Supervisors as approved at its regular meeting held on the 16th day of March, 2004, and also among the official records of the Clarke County Library Advisory Council; and

BE IT FURTHER RESOLVED, that Charles E. Burwell be provided an original copy of this resolution as evidence of the respect and esteem with which he is held by the members of the Board of Supervisors, the members of the Library Advisory Council, and the community at large, and as their sincere expression of good wishes and appreciation.

Approved by unanimous vote of the Clarke County Library Advisory Council, meeting in regular session on the 1st day of March, 2004; by unanimous vote of the Clarke County Board of Supervisors, meeting in regular session on the 16th day of March, 2004, and by unanimous vote of the Handley Regional Library Board at its regular session on the 16th day of March, 2004.

Blakeley R. Marcus, Chairman

Clarke County Library Advisory Council

Richard W. Stephenson,

Chairman Handley Regional Library Board

John R. Staelin, Chairman;

Clarke County Board of Supervisors

Citizen Comment Period

Jerome Garver, Tilthammer Mill Road, appeared before the Board of Supervisors to address the topic of Virginia Department of Transportation road signs. Mr. Garver explained that many signs along Route 621 were missing including Adopt A Highway, Virginia Scenic Roadway, and Stop signs. Mr. Garver requested VDOT replace the signs before the upcoming mowing season for the safety of the adopt-a-highway cleanup crews.

Jeff Lineberry, VDOT, stated that they would take care of the missing signage.

Virginia Department Of Transportation

Jeff Lineberry appeared before the Board of Supervisors to provide the monthly update. Bob Childress and Ricky Pope also accompanied Mr. Lineberry.

Traffic Signal Route 7 and Business Route 7

The traffic signal located on Route 7 and Business Route 7 by Audley Farm is scheduled to be operational by March 19 barring any delays, which could push the date of operation out until the following week.

Speed Studies

Mr. Lineberry stated that four of the seven initial speed study requests sent to Richmond are complete. Mr. Staelin suggested that the Supervisors get their lists of additional roads for speed limit studies ready.

Lineberry stated results are in for Route 606, Mount Carmel Road, and Route 649, Frogtown Road. He told the Board that he had just received the reports and had not had an opportunity to fully review them. However, upon his preliminary review, no speed zone reductions were recommended to the State Traffic Engineer. Mr. Lineberry assured the Board that he would provide copies of the speed studies as soon as he completed his review.

Route 608 Sheeting Problem

David Weiss gave Jeff Lineberry a letter written by a constituent regarding a sheeting problem on Route 608. Mr. Lineberry indicated that he would look at the route in question today.

Thru Truck Restriction – Frederick County

Supervisor Byrd said that in the past neighboring counties have worked together; however, this was not the case with the thru-truck restrictions set on the Frederick County side of Old Charlestown Pike. She stated that no one from Frederick County had contacted the Clarke County Board of Supervisors regarding the proposed ban. Mrs. Byrd informed the Board that this ban has created a hardship for her constituents that use this roadway. Jeff Lineberry briefly reviewed the VDOT process for implementing truck traffic restrictions.

Scenic Byway Status for Blue Ridge Mountain Road

Jeff Lineberry explained the process by which VDOT determines Scenic Byway designation. Following discussion, Chairman Staelin requested staff to draft a resolution and compile the list of Clarke County roads for consideration of Scenic Byway designation. Bob Childress cautioned the Board to consider whether the roads were included in the Six-Year Plan noting that he was unsure what the impact would be regarding improvements. He indicated that he would research the matter and advise the Board.

Route 644 – Litter Removal

Supervisor Dunning requested that VDOT clean up the litter in the area of Route 644 that was recently closed. There was discussion regarding the use of convicts from the local prison camp to perform the work. Mr. Dunning suggested that VDOT place a load of dirt over the closed portion of the road to limit access.

Mowing and Brush Removal

Chairman Staelin requested the status of mowing and brush removal operations performed during the summer months. Bob Childress stated that these activities would be impacted by budget constraints and may be started later in the season. Mr. Childress told the Board that Ricky Pope was working on finishing brush removal on Route 50. Mr. Lineberry assured the Board that they would try to address as much as possible given the budget shortfall.

Our Health

David M. Ziegler, Executive Director Our Health, appeared before the Board of Supervisors to provide a status update on their activities. He wished to formally recognize the involvement of Supervisor Barbara J. Byrd and Chairman John R. Staelin stating that Clarke County was well represented by these two persons. He informed the Board that as of October 2003 Phase I was implemented co-locating seven agencies on Cameron Street in Winchester.

Mr. Ziegler reviewed the development grants they had received for infrastructure, administrative systems, and technology. He opined that they were facing serious budget decisions this year and the \$6,000 from Clarke County was very important.

Phase II of their implementation plan is to co-locate with additional agencies.

Vice Chairman Hobert, expressed his appreciation of Our Health's activities. He further acknowledged the commitment and dedication of Sue Jones, who chairs the Our Health Board.

Supervisor Byrd stated that Dr. Bob Kendall has done an excellent job noting that the campus will be named after him. Mr. Ziegler apprised the Board that the Shockey Corporation would be recognized at an upcoming luncheon for their efforts on behalf of Our Health.

Chairman Staelin put forth that some citizens closely scrutinize expenditures that appear to be out of the area. Mr. Staelin requested statistics on how many from Clarke County use these agencies. Mr. Ziegler stated each agency under Our Health provides services to citizens of Clarke County and this status for each locality served could be provided.

Public Hearing – Agricultural District

Jesse Russell, Zoning Administrator, appeared before the Board to review the proposed renewal of the Clarke County Agricultural District noting there were no withdrawals. He explained that the renewals are done on a six-year cycle.

Since the December Board of Supervisors meeting, additional landowners have requested inclusion into the Clarke County Agricultural District. Total acreage including both AOC and FOC zoning districts requesting inclusion into the Agricultural District is 4,466.41 acres. The Planning Commission has recommended that all parcels requesting inclusion be accepted by the Board of Supervisors and that the district now include parcels in the FOC zoning and that the Agricultural District be renamed and renewed as the Clarke County Agricultural and Forestal District.

Proposed Additions To The Agricultural District

<u>Name</u>	<u>Tax Map No.</u>	<u>Acres</u>	<u>District</u>
Eric Arkfeld	1-A-1	354	AOC
Vance & Lorraine Berry	32-A-66	60	FOC
Vance & Lorraine Berry	32-A-66C	65	FOC
Robina Bouffault	20-A-17	51	AOC
Anne Caldwell	25-A-24	120	FOC
Robert Calhoun	24-A-31	60	AOC
Ann Chisholm	30-A-19	53	AOC
Community of Cistercians	16-A-53	925	AOC
Community of Cistercians	16-A-56	204	AOC
Gary & Nancy Conahan	3-8-4	85	AOC
Dabinett & McKelway	12-A-43D	101	AOC
J.C. Digges & Sons, Inc.	27-A-8	143	AOC
J. C. Digges & Sons, Inc.	27-A-6	7	AOC
J. C. Digges & Sons, Inc.	27-A-48	35	AOC
J. C. Digges & Sons, Inc.	36-A-1	21	AOC
Lawrence Duncan	12-A-31	95	AOC
Joan Dunning, et.als.	31-A-19	191	FOC
Carolyn Gordon	25-A-8	144	FOC
J & K Land Enterprise	13-A-69	107	AOC
Knowles Partnership, LC	27-A-18	105	AOC
Arnulfo Labasbas	9-A-39	40	AOC
Arnulfo Labasbas	9-A-41	69	AOC
Charles Lorens	23-A-59	140	FOC
Suzanne McKown	15-A-8	179	AOC
Bob & Suzie Moberly	20-A-14	54	AOC
Eric & Martha Myer	21-A-76	110	AOC
Deb Norman	3-A-46	42	AOC
Deb Norman	3-A-19E	50	AOC
Deb Norman	3-6-3	52	AOC
Deb Norman	3-6-4	46	AOC

George Ohrstrom	12-A-42	127	AOC
Gillian Russell	12-A-22	18	AOC
Scenic Holdings, LLC	17-A-3E	60	AOC
C.H. Schutte, Inc.	21-A-40	180	AOC
Nelson Sipe	30-A-88	60	AOC
Jean Sipe	30-A-86	68	AOC
William Smallwood	14-A-20	122	AOC
Richard VanWagoner	26-A-125	54	FOC
Harry Weir	30-A-56	27	AOC
Harry Weir	30-A-58	45	AOC
		4,469	

Supervisor Weiss extended his congratulations to staff and to the advisory group for their efforts on the renewal of the Agricultural District. He opined that it was a heartening response that demonstrates that agriculture in Clarke County is growing stronger. He expressed his pleasure that the County residents had responded so forcefully providing a clear example that agriculture is not perishing in the County, as some have suggested.

Chuck Johnston, Planning Administrator, stated half of the County is in agriculture or forestal land with 12% in easement. David Weiss told the Board that farmers, comprising 7% of the population, pay 20% of the County taxes while costing the County only 14 cents out of every tax dollar for services. He elucidated further that 20% of the jobs in the County were in agriculture.

Supervisor Dunning wished to commend staff on how well they worked on putting this project together. He expressed concern that it was on a six-year cycle, which creates delays for those who wish inclusion between cycles. Jesse Russell stated that the State requirements set the maximum of 9 years; and the County had chosen a six-year cycle when originally implemented. Supervisor Dunning opined that six-years was a long time to wait to add additional acreage and requested that the current cycle be reviewed to determine whether it could be handled on a different cycle.

At 10:13 a.m., Chairman Staelin opened the hearing for public comment. No persons were present wishing to address the Board on this matter; therefore, the public comment portion of the hearing was closed.

Supervisor Dunning moved that all parcels requesting inclusion be accepted by the Board of Supervisors and that the district now include parcels in the FOC zoning and that the Agricultural District be renamed and renewed as the Clarke County Agricultural and Forestal District.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Zoning Ordinance Text Amendment TA-04-01

- The Berryville Area Development Authority recommends the amendment of:*
- A. The County Zoning Ordinance, Sections: 3-A-4, Open Space Residential – OSR; 3-A-5, Detached Residential - 1 (DR-1); 3-A-6, Detached Residential - 2 (DR-2); 3-A-7, Detached Residential - 4 (DR-4); 3-A-10, Business Park (BP), and*
 - B. the Town Zoning Ordinance, Sections: 601, Open Space Residential – OSR; 602, Detached Residential - 1 (DR-1); 603, Detached Residential - 2 (DR-2); 604, Detached Residential - 4 (DR-4); 612, Business Park (BP)*

so as to standardize the setback, lot width, and lot size regulations in the residential districts and establish a maximum sound level for uses in the business zoning district. TA-04-01

Chuck Johnston appeared before the Board to review the text amendment. He stated that Berryville Area Development Authority was also requesting the maximum decibel level of 65 be adopted by the Town of Berryville. Mr. Johnston indicated that while at present the restriction would only impact the Business Park he would not be opposed to expanding the restriction to include the whole county, as well as the towns.

Supervisor Byrd put forth that noise was not a new issue citing the Town of Berryville's ongoing efforts to reduce noise from Berryville Graphics. Chairman Staelin observed that the restriction would assure that no noise problem would emanate from the Business Park.

Mr. Johnston stated that the text amendment changes that pertained to lot size regulations would not affect the number of houses on a lot. He explained that it would give consistency and flexibility to the ordinance.

Supervisor Dunning moved to set the matter for public hearing on April 20, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Set Public Hearing – Increase In E911 Fees

Chapter 165 – Taxation

*Sections to be added shown in **bold Italics**
Section to be deleted shown ~~struck through~~*

Article XVI Enhanced 911 Telephone Service Tax

[Adopted 5-20-1995: Increase tax from \$1 to \$2 per line.]

<i>§ 165-70. Amount of tax; purpose.</i>	<i>Pursuant to the authority set forth in § 58.1-3813 of the Code of Virginia, as amended, there is hereby imposed and levied by the county upon each purchaser of local exchange telephone service a tax in the amount of \$2 \$3 per telephone line per month. This tax shall be paid by the purchaser to the seller of local exchange telephone service for the use by the county to pay the initial capital, installation and maintenance costs and recurring maintenance costs of its E-911 system.</i>
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David Ash, County Administrator, appeared before the Board to provide an overview of the proposed increase in E911 fees. He said that the proposed change was consistent with the discussion in the Finance Committee, as well as budget discussions. He informed the Board that the businesses required to collect the tax must be given 120-days notice; therefore, the increase will go into effect in fiscal year 2005.

Vice Chairman Hobert moved to set the matter for public hearing on April 20, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Discussion On Increase In Motor Vehicle Local Decal Tax

David Ash presented for the Board's consideration an increase in the motor vehicle local decal tax rate of \$5, which would go into effect in calendar year 2005. The amount a jurisdiction can charge for decals is limited to no more than what the State charges for registrations. Mr. Ash advised the Board that there is no public hearing requirement. Chairman Staelin requested staff to follow up on rates charged by surrounding jurisdictions, as well as any waivers they may have for services and the disabled and determine the impact on expected collections of waiving fees for seniors and disabled.

Special Use Permit SUP-03-06 – Continued Discussion

Della Bogaty (Veramar Winery) requests the approval of a Special Use and Site Plan for an eight-bedroom country inn and winery located at 901 Quarry Road, Tax Map Parcel 25-((A))-1B, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). SUP-03-06

Chuck Johnston appeared before the Board to continue the discussion from the February Board of Supervisors meeting of the proposed special use permit for Veramar Winery. Jesse Russell informed the Board that boundary line adjustments had been reviewed but that any such adjustment would be irregular in shape. Supervisor Weiss told the Board that he had visited the site and that it would be a very unusual adjustment.

Vice Chairman Hobert stated that he saw the issues with the proposed country inn noting the requirements of providing two meals per day. He stated that the Health Department would need to review the site with the restaurant portion included to ensure the septic field could handle the increased demand. He also requested that Health Department approval be added as a condition with sign off on the septic. Jesse Russell informed the Board that the property does have an eight-bedroom perk. Mr. Hobert said that he had no problem with the proposed winery.

Supervisor Weiss stated that he saw problems with the country inn portion. He stated that the Bogaty's appear to be liked by their neighbors however the neighbors are concerned about the increased traffic. He did note that VDOT has indicated that the road was large enough to handle such an increase.

Chairman Staelin stated that he had no problem with the winery. He noted from the last meeting that it had been stated that a person, acting as innkeeper, would be living at the country inn on a full-time basis. The country inn would serve as their permanent dwelling but would be erected on a parcel with no dwelling unit rights. He noted that the Bogaty's had sold other parcels of their land for development using all of their available DUR's. Mr. Staelin stated that the Bogaty's could accomplish the goal by adding on to the house that currently acts as a bed and breakfast. Supervisor Weiss concurred.

Della Bogaty, Veramar Vineyard, stated she would like the Board to act on the winery today and requested a thirty-day extension on the country inn application. She apprised the Board that this was a commercial piece of property and she thought it had been known from the outset that no DUR's were on the property. Mrs. Bogaty said that the building was designed as a country inn and thus it had to be compliant with a tighter building code, which would require more features than found in a regular family dwelling.

Jim Bogaty, Veramar Vineyard, stated that he felt there had been some confusion on what they were intending for their business, which is family-run. He distributed a presentation titled Veramar Vineyard "Facts & Future" dated March 2004.

"Veramar Vineyard Vision

Adding Value to Agriculture Via:

A Collaborative Approach Based on Agricultural Tourism, that will allow those involved to develop organizations of growers, marketers, and community representatives to formulate visions, develop strategies, and begin to develop agritourism enterprises to add value to agriculture and rural products, and to create markets for them.

- *Veramar Vineyard, LLC*
 - *Quarry Road, Berryville*
 - *Family owned Privately held and operated Vineyard, Winery and Event business in Clarke County with an Agritourism focus*
 - *Began operation 2000*
 - *Family as full time staff – supplemented with part time help*
 - *~4 acres under vine, plan ~20 acres in vine*
 - *Currently, 3 existing agri buildings and a house are utilized*
 - *On & Off site production ~1,200 cases, plan ~17,500 cases*
 - *Current Planed growth*
 - *Vine ~20 acres & Wine production increase*
 - *Country Inn*
 - *Tasting/Event facility ~2800 sq ft*
- *Veramar Vineyard plans*
 - *Acting in a Spirit of Cooperation*
 - *Collaborative Approach*
 - *Satisfies all Clarke County Requirements*
 - *Clarke Planning committee recommends approval*
 - *Clarke County Staff recommends approval*
 - *Represents a positive impact to tourism – value add*
- *Veramar Vineyard Federal Existing*
 - *ATF/TTB license since 2001 - #BW-VA-140*
 - *ATF/TTB Winery Bond Since 2001*
 - *Federal Supplemental Water Quality approval since 2001*
 - *Federal Environmental (waste) approval site since 2001*
 - *ATF/TTB Permit #VA-W-147*
 - *Special Tax Stamp as BOTTLING House yearly 2001 – 2004*
 - *Federal Tax Number*
- *Veramar Vineyard Commonwealth of Virginia Existing*
 - *VA-ABC Class A Farm Winery since yearly 2002-2004*
 - *VA ABC Winery License #13963*
 - *VA ABC Winery Shipping License # 028891*
 - *State Tax Number*

Note: Commonwealth of Virginia treats Farm Wineries as an agribusiness and differently than commercial wineries.

- *Veramar Vineyard Clarke County Existing*
 - *DBA Veramar Vineyard*
 - *Clarke County Business License since 2002*
 - *Current Business License # 227*
 - *Existing Clarke Building & Health approval # 33014 & 34908 for:*
 - *Winery*
 - *Events*

- *Production of Wine*
- *Bottling of wine*
- *Fermentation area*
- *Drain field & sewage disposal*
- *Both existing wells tested and approved*

- *Veramar Vineyard Clarke County Special Use*
 - *Phase One*
 - *Add County Inn*
 - *New Drain Field*
 - *New Well*
 - *Phase two*
 - *Expand Tasting/Event facility*
 - *As an Aside*
 - *Veramar Vineyard is growing our Vine & Wine production areas within existing Agri-structures and land*

- *Production Process*
 - *Grow Wine Grapes*
 - *Pick Grapes*
 - *Crush (de-stem) for juice*
 - *Press "must" for juice and put in tanks*
 - *Fermentation*
 - *Rack to tank or barrels*
 - *Age*
 - *Bottle*
 - *Clean tanks/barrels*
 - *Bottle storage to settle and clear*
 - *Sell*

Virginia Economic Impact from Wine Related Tourism

- *2002 Virginia Wine Related Impact*
 - *\$26.5 Million in wine tourism*
 - *\$69.3 Million in Production & Sales*
 - *\$8 Million in Tax Revenue*
- *Current Virginia estimates for local spend*
 - *Every dollar spent at winery an additional \$7.00 spent in local community (Gas, Food, Shopping)*
 - *20% annual growth in wineries in Virginia*
 - *If sufficient local overnight lodging is available local spend can increase by as much as 200%*

Agri-Tourism must maximize the unexplored potential of rural country side as a destination.

Its objectives are:

- *Develop and enhance the tourism product range in an environmentally and sustainable way so as they increase opportunities for employment and development of rural areas.*
- *Encourage on-farm, Vineyard and Winery diversification that will stimulate enterprise and secure agribusiness income.*
- *Improve promotion and marketing of rural / agri-tourism as a product.*
- *Develop skills of providers / operators through participation in training programmes designed to improve visitor satisfaction with the rural / agri-tourism product."*

The Board members concurred that they had no problem approving the winery. The Board requested that Chuck Johnston strike recommendations 1, 4, 5, and 6 and keep 2, 3, 7 and 8.

Vice Chairman Hobert moved to approve the Special Use and Site Plan for a winery with a maximum production of 17,500 cases of wine per year and consisting of a maximum 2,772 sq. ft. tasting area and 1800 sq. ft. fermenting and bottling area with the following conditions as noted:

1. ~~a consumer disclosure statement stating the country inn cannot be converted to a residence unless the property contains a dwelling unit right and a boundary line adjustment placing the site of country inn on the same parcel as the existing house owned by the applicant;~~
2. test results for any existing or proposed well(s) providing water to the public showing that such well(s) and that the test results are found negative in regard to major pollutants;
3. a boundary line adjustment so as to meet Health Department setback requirements, if the existing well is used for public use;
4. ~~a revised site plan stating that the maximum period of stay for the country inn be 14 days; and~~
5. ~~a written statement indicting that the right to the Special Use would not be utilized by anyone outside the applicant's family unless approved by the Board of Supervisors;~~
6. ~~a revised site plan showing additional landscaped screening between the proposed country inn and adjoining parcels not owned by the applicant;~~
7. the DEQ review the proposed land application disposal and if required, permit such disposal and
8. further, that any change to the Site Plan, including access, would have to be approved by the Planning Commission.

Vice Chairman Hobert further moved to delay action on the Country Inn portion of SUP-03-06 until the next regularly scheduled meeting of the Board on April 20, 2004.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Septic Appeal – Marilyn McLain

Alison Teetor appeared before the Board to represent County Staff and the Board of Well and Septic Appeals. She provided the Board with an overview of actions on the matter to date noting that the Board of Well and Septic Appeals had denied the request. She explained that the property was less than ten acres. Further, when Route 604 was widened, the property lost approximately half an acre. Currently, no site on the property meets County ordinances for septic and it is not eligible for a variance. Ms. Teetor told the Board that Bob Holmes had done the soil work and that the property met all requirements but the set back from the spring.

Vice Chairman Hobert queried Ms. Teetor on the County's compliance with the Dillon Rule when it has established set backs that are greater than the State's. Alison Teetor informed the Board that localities are authorized by the General Assembly to make changes to protect water in their respective areas. The localities have the right to set standards greater than the State's but they cannot be less than the State.

Marilyn McLain, Berryville, addressed the Board regarding her appeal of the Board of Well and Septic Appeals denial of her request. Ms. McLain stated that in the past few years a neighbor placed a pond on the adjoining property; and since no house was on her property, no notice was required. She said that the only septic field site location option that had not been explored was the backside of the property but it is very

rocky. She informed the Board that she had tried to purchase two acres from the North's, who own an adjoining lot. Ms. McLain said that an alternative septic system was turned down. She asked the Board not to feel as though they were setting a precedent but to consider the set of circumstances created by the recent addition of the pond.

Supervisor Dunning moved to deny the request.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Special Entertainment Permit – Vintage Virginia 23rd Annual Virginia Wineries Festival at Historic Long Branch

David Ash presented the special entertainment permit request from Vintage Virginia 23rd Annual Virginia Wineries Festival at Historic Long Branch. Mr. Ash apprised the Board that Bryan Conrad was working with Long Branch on this event but had not given final approval. Supervisor Dunning noted that no representative from Shows Inc. was available to address the Board's questions on the permit request. Vice Chairman Hobert questioned whether non-profits would be involved and whether the sales tax would be Maryland or Virginia. Supervisor Weiss questioned why the event was being moved from its former location.

There was additional discussion regarding the general topic of special entertainment permits in the County. Some items that may need further consideration were discussed including basing permit fees on the size of the event, the traffic impacts and the maximum number the County could handle for such events.

Gary Pope stated that he had sent information to this group. He expressed concern regarding the anticipated number of persons attending.

Supervisor Dunning moved to delay action on the special entertainment permit request until the next regularly scheduled Board of Supervisors meeting on April 20, 2004 pending response from Shows Inc.

The motion was approved by the following vote:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Discussion Of Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

Committee/Board				Appointee	Expiration Date
Clarke County	Historic Preservation	Commission		Paige Carter	5/31/08

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
<i>Ms. Carter is re-appointed to serve a four-year term.</i>		
Clarke County Historic Preservation Commission	Katherine Tennary	5/31/08
<i>Ms. Tennary is re-appointed to serve a four-year term.</i>		
Library Advisory Council	Marjorie Digges	4/15/2008
<i>Ms. Digges is re-appointed to serve a four-year term.</i>		
Library Advisory Council	Nancy Foster	4/15/2008
<i>Ms. Foster is re-appointed to serve a four-year term.</i>		
Library Advisory Council	Mildred F. Curtis	4/15/06
<i>Ms. Curtis is appointed to serve in a newly, created position on the Library Advisory Council.</i>		
Library Advisory Council	Robert B. Meeks	4/15/07
<i>Mr. Meeks is appointed to serve in a newly, created position on the Library Advisory Council.</i>		
Clarke County Sanitary Authority	Harry C. Jones	6/30/08
<i>Mr. Jones is reappointed to serve a four-year term.</i>		
Conservation Easement Authority	Patsy McKelvy	4/30/05
<i>Ms. McKelvy is re-appointed to serve a one-year term on the Conservation Easement Authority as the Planning Commission representative.</i>		
Lord Fairfax Community College Board	Barbara Lee	6/30/2008
<i>Ms. Lee is re-appointed to serve a full four-year term.</i>		
Planning Commission	Mary Louise Costello-Daniel	4/30/08
<i>Mrs. Costello-Daniel is re-appointed to serve a full four-year term.</i>		
Planning Commission	Beverly McKay	4/30/08
<i>Mr. McKay is re-appointed to serve a four-year term.</i>		
Planning Commission	Barbara Batterton	4/30/08
<i>Ms. Batterton is re-appointed to serve a full four-year term.</i>		
Regional Airport Authority	John Crawford	6/30/08
<i>Mr. Crawford is re-appointed to serve a four-year term.</i>		

Supervisor Byrd moved to accept in whole all the appointments as presented. The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

David Ash advised the Board that Beth Leffel, currently serving as the Clarke County representative on the Lord Fairfax Emergency Medical Services Council, is not seeking reappointment.

Board of Supervisors Work Session

Board Goals and Priorities

Chairman Staelin requested David Ash to set the item for additional discussion at the next regular work session. He requested that Board members compile their lists and give to David Ash for distribution.

Scenic By-ways designation

This item was discussed under the VDOT portion of the Board of Supervisors meeting.

Finance

The Finance Committee rescheduled the March 9 Finance Committee to March 16 and set a Board of Supervisors Budget work session for March 18, both beginning at 5:00 pm.

Bills And Claims

- Barbara J. Byrd, Supervisor

Supervisor Byrd reviewed the Bills and Claims for the general government for the March 2004 Board of Supervisors meeting. Mrs. Byrd noted that professional services for the Treasurer were 318% over budget. Vice Chairman Hobert explained that this was a result of the increased number of properties for sale.

Supervisor Byrd moved to approve the Bills and Claims for the general government as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Project Update

David Ash appeared before the Board to review the Project Updates, which were distributed as part of the Board of Supervisors agenda packet.

Animal Shelter

Construction has begun on the Animal Shelter. The pad was finished March 13 and the foundation will be pored the week of March 15. George Ohrstrom is working with a lawyer to draft an agreement between the County and the Humane Foundation.

Millwood Sewer

Some houses have exceeded the \$35,000 to \$40,000 range that is available for home improvements. Two houses are over the maximum by more than \$30,000 a piece. Alison Teetor is working with the contractor on this matter. David Ash explained that four contractors showed interest in the pre-bid process but only one responded. Some options being discussed included getting more contractors to bid competitively and exploring other sources of funding. Help With Housing has provided funding but it is not enough.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors to review the Economic Development report. He informed the Board that the old Tastee Freeze had been leased to a new restaurant owner. The new Subway shop is scheduled to open in two weeks. In the Business Park, another parcel was closed with Magee Crane. He advised the Board that the website report shows a larger than expected number of persons accessing the emergency terrorism document.

Miscellaneous Items

Panhandling

Sheriff Anthony [Tony] Roper appeared before the Board to apprise them of a growing concern with panhandling on highways. Sheriff Roper informed the Board of a situation that occurred over the weekend in Clarke County involving panhandlers. These persons were soliciting donations and approaching stopped vehicles at the intersections in Waterloo and Double Toll Gates. A State Trooper ticketed the panhandlers on a State violation for obstructing the roadway.

He told the Board that John Riley, County Administrator - Frederick County, was working on an ordinance to limit or remove panhandling in that county. Sheriff Roper suggested that Clarke County might want to investigate developing a similar ordinance before it becomes an issue here. Currently, there are no laws in place that specifically limit this type of activity and/or provide for a licensing procedure. He further explained that this activity is viewed as a safety issue.

Vice Chairman Hobert urged caution when drafting such legislation to avoid possible civil rights violations. Chairman Staelin stated that he concurred with Vice Chairman Hobert but felt the Board was willing to consider such an ordinance and asked Sheriff Roper if he would provide a model for the Board to review.

CFFW Regional Jail Board Resolution

David Ash distributed copies of the funding resolution for the CFFW Regional Adult Detention Center and provided an overview of the letter sent from the Director, Fred Hildebrand. In response to Supervisor Dunning's query, Mr. Ash informed the Board that 40 State inmates are currently housed at the facility. Mr. Dunning requested that David Ash add to the resolution a statement that asks for payment and transfer of State inmates. Vice Chairman Hobert requested a copy of the Community Based Corrections Plan. Chairman Staelin requested that the matter be placed on the April 20 Board of Supervisors Agenda.

RESOLUTION

A RESOLUTION TO REQUEST STATE FUNDING TO EXPAND THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL ADULT DETENTION CENTER

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center (hereafter referred to as Detention Center) is overcrowded, and public safety and efficient operations are deleteriously impacted by the inmate populations that exceed the design capacity; and

WHEREAS, the jurisdictions that own and operate the Detention Center are willing, with appropriate State partnership, to expand the Detention Center to address public safety and operational requirements; and

WHEREAS, the Detention Center has prepared and submitted a Community Based Corrections plan in accordance with § 53.1-82.1, Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that the Commonwealth of Virginia be, and is hereby respectfully requested to approve expansion of the Detention Center as delineated in the Community Based Corrections Plan submitted to the Virginia Department of Corrections on March 1, 2004, and reimburse each participating locality its pro rata share up to one-half of the reimbursable capital costs, as well as the full cost of accommodating State-responsible inmates.

Adopted by of the Clarke County Board of Supervisors on April 20, 2004

John R. Staelin

Board of Supervisors Chair

Letters of Recognition

Supervisor Weiss told the Board that at the March 15, 2004 School Board meeting several students had been recognized for their athletic achievements, as well as two coaches. He suggested that the Board send letters of recognition to these students and the coaches. Chairman Staelin requested Ed Breslauer to provide the Board with the names and addresses.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Add to April 20, 2004 Board of Supervisors Agenda Septic Ordinance Text Amendment - TA-03-13– Continued Discussion;	David Ash
2.	Provide the Board with the results of the speed studies conducted on Route 606, Mount Carmel Road, and Route 649, Frogtown Road.	VDOT
3.	Compile lists of additional roads for speed limit studies.	Board of Supervisors
4.	Look at cycle of Agricultural District to see if it could be handled on a different cycle.	Jesse Russell
5.	Compile list of roads for scenic by-way designation with map and proposed resolution.	Chuck Johnston
6.	Set the Board of Supervisors Priority discussion for the next regular work session.	David Ash
7.	Compile lists of Board of Supervisors priorities and give to David Ash for distribution.	Board of Supervisors
8.	Follow up on rates charged by surrounding jurisdictions for vehicle decals, as well as any waivers they have and to determine the impact of waiving fees for seniors and disabled.	David Ash
9.	Provide letter of denial to Marilyn McLain.	David Ash
10.	Provide letter of continuation to Vintage Virginia. Set on the agenda for April 20, 2004.	David Ash
11.	Advertise public hearings	David Ash
12.	Send letters of appointment.	David Ash
13.	Provide to the Board of Supervisors a model of an ordinance limiting/eliminating panhandling.	Tony Roper

<i><u>Item</u></i>	<i><u>Description</u></i>	<i><u>Responsibility</u></i>
14.	Revise the funding resolution of the Regional Adult Detention Center to include payment and transfer of State inmates.	David Ash
15.	Provide the Board copies of the Community Based Corrections Plan.	David Ash
16.	Add funding resolution for Regional Adult Detention Center to the April 20 Board of Supervisors Agenda.	David Ash
17.	Send letters of recognition to the students and coaches.	David Ash
18.	Provide names and addresses for letters of recognition.	Ed Breslauer

Next Meeting:

The next regularly scheduled meeting of the Board of Supervisors is set for April 20, 2004 at 9:00 a.m. in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 12:30 pm.

ATTEST: March 16, 2004

John Staelin, Chairman

David L. Ash, County Administrator